

AO 91 (Rev. 11/11) Criminal Complaint

/s/Stam J. West 12-14-23

UNITED STATES DISTRICT COURT

for the

Western District of Oklahoma

United States of America

v.

Pedro Hernandez Rodriguez,

Case No. M-23-1019-AMG

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 13, 2023 in the county of Oklahoma in the
Western District of Oklahoma, the defendant(s) violated:

Code Section

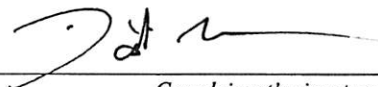
26 U.S.C. § 5861(d)

Offense Description

Possession of an Unregistered Firearm

This criminal complaint is based on these facts:

See attached Affidavit of Special Agent, David Moore, ATF, which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.


Complainant's signature

David Moore, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date:

12/14/23


Judge's signature

City and state: Oklahoma City, Oklahoma

AMANDA MAXFIELD GREEN, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA) **SS**

AFFIDAVIT

I, David Moore, being duly sworn, do hereby state:

1. I am a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so since March 2022. Prior to my employment with ATF, I was employed as a police officer in the State of Oklahoma for approximately 10 years. I have been employed in law enforcement for approximately 11 years. I am a graduate of the Federal Law Enforcement Training Center (FLETC) Criminal Investigations Training Program (CITP) and the ATF National Academy. As part of my duties as a Special Agent with ATF, I investigate criminal violations related to firearms trafficking, and the illegal possession of firearms by prohibited persons. I am currently assigned to the Oklahoma City Field Office and am charged with investigating violations of federal law, including violations of the Gun Control Act of 1968, as amended (Title 18, United States Code, Sections 921 et seq.), explosives, arson, alcohol, and tobacco laws. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants under the authority of the United States.

2. I am familiar with the information contained in this affidavit through personal investigation and/or information received from other law enforcement agencies and officers, mentioned herein, who have participated in and/or have contributed documentary reports of their investigative efforts in this matter. This affidavit contains information necessary to establish probable cause in support of this complaint and is not intended to include every fact, or matter, observed or known by me.

3. This affidavit is presented for the limited purpose of seeking a federal complaint and arrest warrant **PEDRO HERNANDEZ RODRIGUEZ** a male with DOB: XX/XX/1985. This complaint and arrest warrant are being sought for a violation of Title 26, United States Code, Section 5861(d), the penalty or which is found in Title 26, United States Code, Section 5871.

PROBABLE CAUSE

4. On December 13, 2023, the Oklahoma City Police Department (OCPD) began an investigation into an assault and battery with a dangerous weapon and threatening violent acts, in violation of Oklahoma State Statute, Title 21 Section 645 and Title 21 Section 1378.A, respectively.

5. On December 13, 2023, Oklahoma County Special Judge Jason Glidewell issued a search warrant for 1436 Southwest 34th Street, Oklahoma City, Oklahoma, located inside the of the Western District of Oklahoma, **HERNANDEZ**

RODRIGUEZ's residence, after probable cause was shown evidence located inside of the residence would confirm **HERNANDEZ RODRIGUEZ** possessed a firearm during the commission of an assault and battery he committed on December 13, 2023. The search permitted the police to search for and seize firearms, ammunition, security cameras and accompanying recording equipment and indicia among other items.

6. On December 13, 2023, Oklahoma City Police executed the search served a search warrant at **HERNANDEZ RODRIGUEZ's** residence. During the search of the residence, officers located multiple firearms including one Pioneer Arms Corporation, hellpup, AK-47 style rifle chambered in 7.62 X 39 and bearing serial number PAC1136779 (**THE FIREARM**). While at the residence, officers spoke to multiple close associates of **HERNANDEZ RODRIGUEZ**, with direct knowledge about his gun possession, who independently confirmed the firearms located in the locked safe by OCPD officers, to include **THE FIREARM**, are owned by and belong to **HERNANDEZ RODRIGUEZ**.

7. On December 14, 2023, ATF Special Agent David Moore examined **THE FIREARM**. During the examination, Moore confirmed the length of the barrel and barrel attachment are approximately 14.5 inches in total length. Moore measured the length of the barrel and barrel attachment using a metal rod that was inserted into the barrel while the breech of **THE FIREARM** was closed. Moore then marked the

rod at the full length of the barrel and barrel attachment, then used a ruler to measure from the mark on the end of the rod that was inserted into the barrel.

8. Given the length of the barrel, **THE FIREARM** is a short-barreled rifle under the law, as it is less than 16 inches long. *See* 18 U.S.C. 921(a)(8). I know that it unlawful for any individual to possess these firearms unless it is registered to them in the National Firearms Registration and Transfer Record (NFRTR).

9. On December 14, 2023, I requested a search of the NFRTR. Search results from the NFRTR show **THE FIREARM** is not registered to **HERNANDEZ RODRIGUEZ**, nor is it registered at all.

10. Based upon the aforementioned facts and circumstances, I believe probable cause exists that on or about December 13, 2023, in the Western District of Oklahoma, **PEDRO HERNANDEZ RODRIGUEZ** knowingly possessed the Pioneer Arms Corporation, hellpup, AK-47 style rifle chambered in 7.62 X 39 bearing serial number PAC1136779 having a barrel of less than 16 inches in length,

which was not registered to him in the National Firearms Registration and Transfer Record, all in violation of Title 26, United States Code, Section 5861(d).

FURTHER I SAITH NOT.



David Moore
Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Subscribed and sworn to before me this 14th day of December 2023.



AMANDA MAXFIELD GREEN
United States Magistrate Judge